



Congress of the United States
House of Representatives
Washington, DC 20515-6502

November 17, 2020

The Honorable Jim McGovern
Chairman, House Committee on Rules
U.S. House of Representatives
H-312, the Capitol
Washington, D.C. 20515

Dear Chairman McGovern:

I am writing to urge you to include a provision in the House Rules package you will recommend for the 117th Congress that would subject House Members to disciplinary action when they disclose the identity of a whistleblower (see attached text).

As you will recall, many of our colleagues and much of the American public were appalled and disgusted last year to see various Members of the House and Senate threaten to out whistleblowers who, at great risk to their personal and professional security, came forward to report their concerns regarding President Trump's July 25, 2019 conversation with Ukraine President Zelensky. There is no doubt that the purpose of these threats by sitting Members of the House and Senate was none other than to discourage federal employees, wherever they may work in the executive branch, from bringing to the attention of the U.S. Congress possible corruption and malfeasance in the federal agencies and departments in which they work.

The framers of the Constitution assigned the U.S. Congress three basic functions: to represent, to legislate, and to conduct oversight of the executive branch. Without vigorous oversight that includes encouraging federal employees who see wrongdoing to report it anonymously and without fear of retribution, Congress cannot hold the executive officials, including the president and his appointees, to account or enact laws that serve the people it represents. Members of Congress who would willfully undermine their own institution's ability to conduct oversight by revealing or threatening to reveal the identities of whistleblowers must face consequences.

The rule I am proposing be included in the *Rules of the House of Representatives for the 117th Congress* would do just that, amending "the Rules of the House of Representatives to make the disclosure of the identity of an individual acting as a whistle blower under processes and protections provided by law a violation of the Code of Official Conduct."

While its application would only extend to the House, it is my hope that the Senate would follow the House's example and adopt a similar provision in its own rules.

I am prepared to work with you and House Committee chairs to ensure the rule I have proposed is written precisely enough to hold violators to account without inadvertently impinging on Committees' ability to work with whistleblowers and conduct the vigorous oversight envisioned by the Constitution's framers.

Thank you for your attention and with kindest regards, I am

Sincerely yours,

A handwritten signature in black ink, appearing to read "Steny Hoyer". The signature is fluid and cursive, with a large initial "S" and a long, sweeping underline.

STENY H. HOYER
HOUSE MAJORITY LEADER

CC:

Speaker Nancy Pelosi
Majority Whip Jim Clyburn
Chairman Ted Deutch
Chairman Don Beyer
Chairwoman Kathy Castor
Chairman Peter DeFazio
Chairman Eliot Engel
Chairman Raul Grijalva
Chairman Alcee Hastings
Chairwoman Eddie Bernice Johnson
Chairman Derek Kilmer
Chairwoman Zoe Lofgren
Chairwoman Nita Lowey
Chairwoman Carolyn Maloney
Chairman Jerrold Nadler
Chairman Richard Neal
Chairman Frank Pallone
Chairman Collin Peterson
Chairman Adam Schiff
Chairman Bobby Scott
Chairman Adam Smith
Chairman Mark Takano
Chairman Bennie Thompson
Chairwoman Maxine Waters
Chairman John Yarmuth

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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. RES.

Amending the Rules of the House of Representatives to make the disclosure of the identity of an individual acting as a whistle blower under processes and protections provided by law a violation of the Code of Official Conduct.

IN THE HOUSE OF REPRESENTATIVES

Mr. HOYER submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Amending the Rules of the House of Representatives to make the disclosure of the identity of an individual acting as a whistle blower under processes and protections provided by law a violation of the Code of Official Conduct.

1 *Resolved,*

2 **SECTION 1. DISCLOSURE OF IDENTITY OF WHISTLE-**
3 **BLOWER AS VIOLATION OF CODE OF CON-**
4 **DUCT.**

5 Rule XXIII of the Rules of the House of Representa-
6 tives is amended—

1 (1) by redesignating clause 19 as clause 20;
2 and

3 (2) by inserting after clause 18 the following
4 new clause:

5 “19.(a) Except as provided in paragraphs (b) and (c),
6 a Member, Delegate, Resident Commissioner, or officer or
7 employee of the House shall not knowingly and willfully
8 publicly disclose the identity of, or personally identifiable
9 information about, any individual who has reported allega-
10 tions of possible wrongdoing under processes and protec-
11 tions provided by the Civil Service Reform Act of 1978,
12 the Whistleblower Protection Act of 1989, the Intelligence
13 Community Whistleblower Protection Act of 1998, or any
14 other law protecting Federal whistleblowers.

15 “(b) The limitation in paragraph (a) shall not apply
16 to any disclosure of an individual’s identity or personally
17 identifiable information if—

18 “(1) the individual has provided express written
19 consent to such disclosure;

20 “(2) the individual has already voluntarily and
21 publicly disclosed his or her identity; or

22 “(3) the disclosure is by the chair of a com-
23 mittee after an affirmative vote by two-thirds of
24 committee members that such disclosure is in the
25 public interest.

1 “(c) Nothing in this clause shall prevent an investiga-
2 tion of any allegation of wrongdoing disclosed by any indi-
3 vidual.

4 “(d) Nothing in this clause shall prevent the public
5 disclosure of substantive information shared by any indi-
6 vidual that is not personally identifiable to that indi-
7 vidual.”.